IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.490 OF 2005

Chiranjive B. Mehta Petitioner

versus

Municipal Corpn. of Greater Mumbai Respondent

M.K.Nesari for petitioner.

Ms.A.K.Savla for respondent

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 4th May 2005

PC :

1. Heard Mr.Nesari in support of this petition. Ms.Savala appears for respondent.

2. petitioner has retired as an Assistant Engineer. He is facing a Departmental Inquiry. He challenges continuation thereof beyond the date of retirement. Mr.Nesari, learned counsel for the petitioner submits that the petitioner will participate in the inquiry but should be permitted to raise this question with respect to the authority of the Corporation to continue with

the inquiry, even before the Inquiry Officer. He will file an undertaking to the Municipal Corporation that in the event finally after all appropriate procedure if he is held guilty, the amounts which we are directing to be released, will be returned/adjusted towards punishment. In view of the statement of Mr.Nesari, we direct the respondent to proceed with the inquiry at the earliest and complete it within six months. The petitioner will co-operate with the inquiry officer. He will file an undertaking as directed above, before the Inquiry Officer concerned and on receiving that undertaking the respondent will release half the gratuity and half of remaining terminal benefits, to which he is entitled to. We record that he has already been paid his Provident Fund as well as Provisional Pension. Petition disposed of.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)